IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 17002 of 2007(Y)

PETITIONER:

K.V.PUSHPAVALLY,
STAFF NURSE, GOVERNMENT HOSPITAL,
FORT KOCHI.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS:

1. STATE OF KERALA- REPRESENTED BY THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HEALTH SERVICES, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.17002 of 2007 Y

Dated this the 16th day of November, 2007.

JUDGMENT

Petitioner is a staff nurse in the Health Services Department. She was advised by the Public Service Commission from the District Office, Palakkad and she joined service on 28.12.1998. Petitioner's husband is a Jawan in the Indian Army. As per Ext.P1 order dated 27.91976, dependents of Jawans are eligible to get transfer to the native place, retaining their seniority. As per Ext.P2, a modification was effected to the conditions under which such transfer could be applied for. Pursuant to the petitioner's request, she was transferred from Palakkad District to Ernakulam District as per Ext.P4 order. Petitioner claims that, on transfer she is entitled to the seniority with reference to the date of advice to the Palakkad District. This contention is controverted in the statement filed by the respondents.

2. After having heard learned counsel for the petitioner and the learned Government Pleader, I am of the view that the petitioner's claim as contained in Ext.P6 may be considered and appropriate decision may be taken by the Director of Health Services.

In the result, writ petition is disposed of directing the 2nd respondent to look into Ext.P6 and take a decision, after hearing the petitioner in accordance with law, within a period of 3 months from the date of receipt of a copy of this judgment.

Sd/-
(V.GIRI)
JUDGE

sk/

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P.S. To Judge